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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/526,154

03/01/2005

Hiromi Wataya

P26700

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7055 7590 04/25/2008
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EXAMINER

NICHOLS, CHRISTOPHER S

ART UNIT

PAPER NUMBER

4191

NOTIFICATION DATE

DELIVERY MODE

04/25/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/526,154	Applicant(s) WATAYA, HIROMI	
	Examiner CHRISTOPHER S. NICHOLS	Art Unit 4191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/27/2005; 7/7/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

METHOD AND SYSTEM FOR PRODUCING PALLET

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 3-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Isaka et al. (JP 09001574 A).

Regarding claims 3-4, Isaka et al. teach a molding apparatus comprising upper and lower metal molds confronting each other (see Fig. 2 at 10 and 20). The molds have a plurality of hot-air vents between the confronting mold surfaces (see Fig. 2 at 13 and 14; see also Fig. 3 at 13, 14, 23, and 24). The apparatus has a hot air generating means (see Fig. 2 at 28; see also Paragraph [0012]). The hot-air generating means has a hot-air inlet (see Fig. 2 at 28) and a hot-air outlet (see Fig. 2 at 18). The vents are connected permitting hot air to circulate through the upper and lower molds (see Fig. 2 at 13 and 14; see also Fig. 3 at 13, 14, 23, and 24). Hot air is blown from one side of the metal mold to the other mold (see Paragraph [0011]-[0012]; see also Fig. 4) to shape the base material. Hot-air vents are provided in the circumference of the metal molds (see Fig. 2 at 14 and 24).

The limitation "apparatus for making pallets" is not considered a limitation of significance because the body of a claim fully and intrinsically sets forth all of the limitations of the claimed invention, and the preamble merely states the purpose or intended use of the invention. If the body of a claim fully and intrinsically sets forth all of the limitations of the

claimed invention, and the preamble merely states, for example, the purpose or intended use of the invention, rather than any distinct definition of any of the claimed invention's limitations, then the preamble is not considered a limitation and is of no significance to claim construction. *Pitney Bowes, Inc. v. Hewlett-Packard Co.*, 182 F.3d 1298, 1305, 51 USPQ2d 1161, 1165 (Fed. Cir. 1999). See also *Rowe v. Dror*, 112 F.3d 473, 478, 42 USPQ2d 1550, 1553 (Fed. Cir. 1997)

The limitation "to provide a pallet with recesses formed on its surface" in line 6 of claim 3 does not impart patentability to the claims because it provides the intended operation of the apparatus. "Expressions relating the apparatus to contents thereof during an intended operation are of no significance in determining patentability of the apparatus claim." *Ex parte Thibault*, 164 USPQ 666, 667 (Bd. App. 1969). Furthermore, "[i]nclusion of material or article worked upon by a structure being claimed does not impart patentability to the claims." *In re Young*, 75 F.2d 996, 25 USPQ 69 (CCPA 1935) (as restated in *In re Otto*, 312 F.2d 937, 136 USPQ 458, 459 (CCPA 1963)).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wataya (JP 06270938 A) in view of Isaka et al. (JP 09001574 A).

Regarding claim 1, Wataya teaches preparing unwoven randomly tangled plant fibers (see Paragraph [0012]-[0013]). The unwoven plant fibers are impregnated with resin to provide a sheet of base material (see Paragraph [0014]-[0016]). The base sheet material is heat pressed by upper and lower metal molds to shape the substrate (see Paragraph [0017]) into a palette (see Paragraph [0019]; see also Fig. 1 and Fig. 2). Wataya is silent regarding the mold having a plurality of hot-air vents and heating the base material by blowing hot air through the hot-air vents. Isaka et al. teach placing a base material (see Fig. 2 at 30) between upper and lower metal molds (see Fig. 2 at 10 and 20). The molds have a plurality of hot-air vents between the confronting mold surfaces (see Fig. 2 at 13 and 14; see also Fig. 3 at 13, 14, 23, and 24). The base material is heated and pressurized by blowing hot-air from one side of the metal mold to the other mold (see Paragraph [0011]-[0012]; see also Fig. 4) to shape the base material. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide molds having a plurality of hot-air vents that circulate hot air between the molds to shape the base material into a palette shape in the method by Wataya because Isaka et al. teach that hot-air vents that circulate hot air between the molds to shape a material reduce cycle time, produce a uniformly shaped article, and improve the press intensity of the metal mold (see Paragraph [0003]-[0004]; see also Paragraph [0016]).

Regarding claim 2, Wataya teaches preparing the plant fibers by crushing coconuts and breaking the pieces with a grinder (see Paragraph [0012]-[0013]), i.e. separating plant fibers from shells. Wataya teaches that the plant fibers may be hempen vegetable fiber raw material (see Paragraph [0012]). Merriam-Webster's Dictionary defines hemp as "a fiber (as jute) from a

plant other than the true hemp; also: a plant yielding such fiber.” Therefore, hempen vegetable fiber raw material includes fibers from a jute plant.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher S. Nichols whose telephone number is (571) 270-3969. The examiner can normally be reached on Monday thru Thursday 7:30 AM to 5:00 PM EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Dah-Wei Yuan can be reached on (571) 272-1295. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Christopher S. Nichols/
Examiner, Art Unit 4191**

**/Dah-Wei D. Yuan/
Supervisory Patent Examiner, Art Unit 4191**